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: DECISION ON PETITION
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Paper No. 13

In re Application of
Shigekazu Kato *et al*
Application No. 09/766,596
Filed: January 23, 2001
Attorney Docket No. 520.30414V22

This is a decision on the petition originally filed on September 12, 2003, as resubmitted by facsimile transmission on September 17, 2003 and on January 15, 2004, by which petitioners request withdrawal of the technically abandoned status of this application. Although a Notice of Abandonment has not been mailed, it appears that the application stands technically abandoned for failure to pay the issue fee that was due on or before March 18, 2002. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioners allege that this application is not abandoned because petitioners did not receive the Notice of Allowance dated September 22, 2003, or any of the attachments thereto. Therefore, the issue fee could not be paid.

A review of the record shows that as filed, this application contained a transmittal letter giving the correspondence address as Customer Number 020457. The record further shows that an incorrect correspondence address was entered because an incorrect Customer Number was entered. Therefore, the Notice of Allowance and Notice of Allowability mailed on December 18, 2001 was sent to the wrong correspondence address. It is not surprising that in view of that error, petitioners did not receive these papers, in accordance with petitioners' allegations.

As the record clearly shows that this application has become abandoned through error on the part of the Office, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner for Technology Center 3700 to:

1. Change the correspondence address to Customer Number 020457, and to make certain that the address agrees with the address at the foot of this Decision;
2. Enter the amendment filed on March 13, 2003 and the Information Disclosure statement filed on April 6, 2004;
3. Place this application in a pending status and return the application to the examiner.

Thereafter, the examiner will consider the application as amended on January 14, 2002 and March 13, 2003, and will also consider all Information Disclosure Statements of record that have not been previously considered. If the application is still deemed to be in condition for allowance, a new Notice of Allowance and a new Notice of Allowability will be promulgated.

PETITION GRANTED.

Richard A. Bertsch, Director
Technology Center 3700

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